The Mysore Legislative Assembly (Prevention of Disqualification) Bill, 1951.

Motion to consider.

The Hon'ble Sri K. T. BHASHYAM (Minister for Law and Labour).—Sir, I beg to move:

"That the Mysore Legislative Assembly (Prevention of Disqualification) Bill, 1951, be taken into consideration."

Sir, the necessity for this Bill arose this way. In the Parliament, Deputy Ministers have been appointed, and the question arose whether by reason of the emoluments which the Deputy Ministers received from the Government they did not come within the mischief of Article 191 of the Constitution of India which *inter alia* provides that a person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly if he holds any office of profit under the Government of India or the Government of a State, etc. In order to clear the doubt on that point, the President had to issue an Ordinance stating that the Deputy Ministership is not an office of profit under the Government of India and therefore the Deputy Ministers are not disqualified from being members of the Parliament. Similarly here there was an intention, and there is still the idea, of appointing Parliamentary Secretaries, Chairmen of several Committees, etc., all of which would very likely come against Article 191 of the Constitution unless it was made clear that persons who occupy these places were not holding offices of profit under the Government of Mysore. In order to clear that doubt this Bill has been brought forward.

It will be found that the schedule consists of six items and there may possibly be other items which by experience the Government feel that it is necessary to bring under the schedule and therefore we have put in clause 3 authorising the State Government by notification to add to this schedule whenever they feel it necessary or desirable to do so. This is a very wholesome Bill, because the Government feel that the best among the citizens in the State are selected for this Assembly. Out of 80 or 90 lakhs of people, we choose about 80 here and they are the pick of the country, the best of the brains, as it were. We want to make use of them in certain matters such as the Chairmanship, membership, etc., of committees, concerns and the like and their emoluments are drawn by them either by way of salaries or by way of honorarium. They should not by that very reason be disqualified from being members of the Assembly. Therefore I expect that the Hon'ble Members of this Assembly will welcome such a move so that while being members of this Assembly, their services may be utilised by the Government for important purposes referred to in the Schedule. It is for the purpose of enabling the Government to utilise the services of the Hon'ble Members of this Assembly for some of these offices which carry some kind of emoluments, that this measure is brought before this House. It is an enabling measure. I expect that the Hon'ble Members will welcome this bill.

Mr. SPEAKER.—Motion moved:

"That the Mysore Legislative Assembly (Prevention of Disqualification) Bill, 1951, be taken into consideration."

Sri H. C. LINGA REDDY (Kolar District–General).—Sir, I beg to move:

"That the Mysore Legislative Assembly (Prevention of Disqualification) Bill, 1951, pereferred to a Select Committee consisting of the following members:—

Sri L. Siddappa,
Sri M Muniswamy,
Sri M. N. Jois,
Sri S. Ranga Rao,
Sri B. Channabyre Gowda,
Sri M. Govinda Reddy, and
The Mover.

There are certain factors which have got to be considered by the Select Committee. First of all, what is an office of profit is not defined here. I think it is not defined in the Indian Constitution also. It is quite possible that circumstances may arise when it would be difficult to find out what an office of profit is. For example, the Chairmen of District Development Committees and various other committees. Therefore the definition of that term is necessary.

Secondly, there are six items in the schedule. The first item is the Parliamentary Secretaries and the sixth item is the Chairman of any Committee appointed by Government. I think the other items may not be necessary at all. The Chairman of any Committee or Director of any Committee appointed by Government may be sufficient. In view of these considerations it is necessary to go through the Bill and recast it. I therefore feel that there is a very strong case for referring the Bill to a Select Committee so that the various factors may be considered in it. In view of the fact that this is a very short Bill and there are not very many matters to be considered, the Select Committee may be instructed to report to the House during the session itself.

Mr. SPEAKER.—Amendment moved :

"That the Mysore Legislative Assembly (Prevention of Disqualification) Bill, 1951, be referred to a Select Committee consisting of—

Sri L. Siddappa,
Sri M. Muniswamy,
Sri M. N. Jois,
Sri S. Ranga Rao,
Sri B. Channabyre Gowda,
Sri M. Govinda Reddy, and
The Mover."

with instructions to report during the Session.

The Hon'ble Sri K. T. BHASHYAM.—Sir, I accept the amendment.

Sri B. HUTCHE GOWDA (Tumkur District-General).—On a point of information, Sir. ಇಲ್ಲಿರುವ ಅನೆಂಬ್ಲಿ ಮೆಂಬರುಗಳ ಪೈಕಿ ಯಾರಾದರೂ ಈ ಡೆಫಿನಿಷನ್ನಿನೊಳಗೆ ಬಂದು ಈ ಪೆಡ್ಯೂಲಿಗೆ ಸೇರುತ್ತಾರೆಯೆ ?

ಅಧ್ಯಕ್ಷರು.—ಆ ವಿಷಯವನ್ನು ಆಗಲೇ ಹೇಳಿದರಲ್ಲಾ. ಪಾರ್ಲಿಮೆಂಟಿನಲ್ಲಿ ಡೆಪ್ಯುಟಿ ಮಿನಿಸ್ಟರ್ ಹುದ್ದೆ ಆಫೀಸ್ ಆಫ್ ಪ್ರಾಫಿಟ್ಟೇ ಅಥವಾ ಇಲ್ಲವೇ ಎಂಬ ವಿಷಯದಲ್ಲಿ ಅನುಮಾನಾಸ್ಪದವಾಗಿ ಆ ಅನುಮಾನ ನಿವೃತ್ತಿಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಎಂದು ಆಗಲೇ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಿದ್ದಾರೆ.

Sri M. N. JOIS (Mysore District—General).—Th t is exactly a point for consideration and hence the Bill is proposed to be referred to a Select Committee.

Mr. SPEAKER.—The question is :

"That the Mysore Legislative Assembly (Prevention of Disqualification) Bill, 1951, be referred to a Select Committee consisting of :—

Sri L. Siddappa,
Sri M. Muniswamy,
Sri M. N. Jois,
Sri S. Ranga Rao,
Sri B. Channabyre Gowda,
Sri M. Govinda Reddy, and
The Mover with instructions to report during the Session."

The motion was adopted.

The Mysore Civil Courts (Amendment) Bill, 1951.

Motion to consider.

The Hon'ble Sri K. T. BHASHYAM (Minister for Law and Labour).—Sir, I beg to move :

'That the Mysore Civil Courts (Amendment) Bill, 1951, be taken into consideration."

This may be divided into three parts. One is about the enhancement of the value of the suit for purposes of appeal, and another is about second appeals to High Court and the third portion refers to the holidays for Civil Courts.

So far as the first portion is concerned, at present in suits in which the value of the subject-matter is above Rs. 3,000, we have an appeal direct to the High Court, and below Rs. 3,000 appeal is to the District Judge's Court. We want to make it possible for the District Court to dispose of all appeals where the value is below Rs. 10,000. Therefore we want to step up the figure from Rs. 3,000 to Rs. 10,000 and say that in all suits of the value of Rs. 10,000 and below an appeal shall lie to the District Judge.

Secondly, so far as second appeals are concerned, there are quite a large number of appeals pending before the High Court and it is felt necessary to restrict the power of second appeals being filed. Therefore we are now saying that there shall be no second appeal to the High Court in certain matters, namely, where the value of the suit is Rs. 2,000 and below. In such cases there will be no second appeals at all. Hon'ble Members will remember that now there is no appeal at all against Small Cause Court decisions, sometimes going up to Rs. 500. There is no appeal at all in these cases. Now it would not be a hardship to say that in all suits for money involving less than Rs. 2,000 there shall be no